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TRADE AND DEVELOPMENT BOARD
Committee on Shipping
Working Group on International
Shipping Legislation
Thirteenth session
Geneva, 11 November 1991
Agenda item 3

GENERAL AVERAGE

Draft decision submitted by the Chairman

The Working Group on International Shipping Legislation,

Decides:

1. To request the UNCTAD secretariat to approach, in close consultation with the Comité Maritime International (CMI), the insurance industry, including the International Union of Marine Insurance (IUMI), and international organizations representing commercial parties involved with general average, to study the extent to which insurance arrangements could simplify the operation of the general average system. The study should bear in mind the need to ensure equitable balance between the commercial interests and should consider, inter alia:

(i) The advantages and disadvantages of the use of absorption clauses in insurance policies,

(ii) The costs to the respective commercial parties of any new insurance arrangements;

2. To request the UNCTAD secretariat and CMI to consult insurance and other interests on the preparation of up-to-date statistics on general average, and in particular information on the time, place of adjustment (e.g. place or places where the contributory value is determined, enforcement of contributions, resort to court and applicable law and practice and preparation and publication of final adjustment) and expenses involved in general average settlements;

3. To request the UNCTAD secretariat to consult governments of developing countries and commercial interests involved with general average, in particular in developing countries, on their experience of general average and also to seek to obtain the statistics required under paragraph 2 through the same channels;

4. To request the UNCTAD secretariat to co-operate with, and contribute to, the ongoing work of CMI's International Subcommittee on CMI's review and simplification of the current York-Antwerp Rules;

5. To consider the result of the study on insurance as set out in paragraph 1 and the information requested in paragraphs 2 and 3 of this decision at its fourteenth session;

6. To invite the UNCTAD secretariat to provide, within available resources, assistance upon request to governments concerning the law and practice of general average, including training and regional seminars;

7. To request the Trade and Development Board to endorse, at the second part of its thirty-eighth session, the report of the Working Group on International Shipping Legislation and the decision contained therein.